

Court of Appeals, State of Michigan

ORDER

Donald Dunn v Michael Savage

Docket No. 274354

LC No. 04-300043 CH

Donald S. Owens
Presiding Judge

William C. Whitbeck, CJ

Alton T. Davis
Judges

The Court orders that the motion to dismiss pursuant to MCR 7.211(C)(2) is GRANTED and the claim of appeal, claim of cross appeal, and motion for peremptory reversal are DISMISSED for lack of jurisdiction. After review of the record it is now clear that the order of October 19, 2006 does not grant or deny attorney fees and costs as required by MCR 7.202(6)(a)(iv). Instead, the order simply returns the matter of attorney fees and costs to the pre June 9, 2005, stage. That stage is appellants seeking attorney fees and costs, but no determination being made because appellants need to separate attorney fees and costs incurred in this state action from the federal litigation that was occurring.

The motion for extension of time to file appellee's brief is DENIED as moot.

The motion for actual and punitive damages is DENIED.


Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 25 2007

Date


Chief Clerk